

## **RULES AND OPEN GOVERNMENT COMMITTEE**

**CHUCK REED, CHAIR**  
**MADISON P. NGUYEN, VICE CHAIR**  
**PIERLUIGI OLIVERIO, MEMBER**  
**PETE CONSTANT, MEMBER**  
**ROSE HERRERA, ALTERNATE**

**STAFF** **TONI J. TABER, CITY CLERK**  
**ED SHIKADA, CITY MANAGER**  
**RICHARD DOYLE, CITY ATTORNEY**  
**AHMAD CHAPMAN, MAYOR'S OFFICE**

### **AGENDA**

2:00 P.M.

May 28, 2014

Wing 118-120

#### **A. City Council (City Clerk)**

1. Review June 3, 2014 Final Agenda
  - a. Add New Items to Final Agenda
  - b. Assign "Time Certain" to Agenda Items (if needed)
  - c. Review of Items that Meet Exception Rule (if needed)
2. [Review June 9, 2014 Special Meeting](#) (Evening)
  - a. Add New Items to Agenda
  - b. Assign "Time Certain" to Agenda Items (if needed)
  - c. Review of Items that Meet Exception Rule (if needed)
3. Review June 10, 2014 Draft Agenda
  - a. Add New Items to Draft Agenda
  - b. Assign "Time Certain" to Agenda Items (if needed)
  - c. Review of Items that Meet Exception Rule (if needed)

#### **B. Review of Upcoming Study Session Agenda(s)**

#### **C. Legislative Update**

1. State
2. Federal

#### **D. Meeting Schedules**

1. [Council Meeting Schedule and Study Session Schedule for August - December 2014.](#) (City Manager)
  - a. Approve the City Council Meeting Schedule for the period August - December 2014; and
  - b. Approve the Study Session Schedule for the period August-December 2014.

#### **E. [The Public Record](#)**

#### **F. Boards, Commissions and Committees**

1. Appointments

2. Work Plans
3. Annual Reports

**G. Rules Committee Reviews, Recommendations and Approvals**

1. Workload Assessment for Council Requests and Referrals.
2. [National Night Out](#). (City Clerk)
  - a. Approve the National Night Out scheduled for August 5, 2014, as a City Council sponsored Special Event and approve expenditure of funds.
  - b. Approve and accept donations from various individuals, businesses, or community groups to support the event.
  - c. Place the item on the June 10, 2014 Council Agenda for action.
3. [Rainbow Flag Raising Ceremony](#). (Oliverio)
  - a. Approve the Rainbow Flag Raising Ceremony scheduled for June 3, 2014, as a City Council sponsored Special Event and approve expenditure of funds.
  - b. Approve and accept donations from various individuals, businesses, or community groups to support the event.
  - c. Place the item on the June 3, 2014 Council Agenda for action and approve a ten-day sunshine waiver.
4. [Ethiopian Heritage Flag Raising Event](#). (Liccardo)
  - a. Approve the Ethiopian Heritage Raising Ceremony scheduled for July 3, 2014, as a City Council sponsored Special Event and approve expenditure of funds.
  - b. Approve and accept donations from various individuals, businesses, or community groups to support the event.
  - c. Place the item on the June 10, 2014 Council Agenda for action.
5. [Korean Flag Raising](#). (Constant)
  - a. Approve the Korean Flag Raising scheduled for June 25, 2014, as a City Council sponsored Special Event and approve expenditure of funds.
  - b. Approve and accept donations from various individuals, businesses, or community groups to support the event.
  - c. Place the item on the June 10, 2014 Council Agenda for action.

**G. Rules Committee Reviews, Recommendations and Approvals (Cont.)**

6. [District 5 City Sponsored Events](#). (Campos)  
Approval of District 5 City Sponsored Events:
  - a. Approve the AB60 Information Forum on June 5, 2014 as a City Council sponsored Special Event and approve the expenditure of funds and accepting donations from various

individuals, businesses, or community groups to support the events and placing the item on the June 10, 2014 Council Agenda for action.

- b. Approve the Safe Summer Kick Off Resource Fair and Pharmaceutical Drug Turn In on June 22, 2014 as a City Council sponsored Special Event and approve the expenditure of funds and accepting donations from various individuals, businesses, or community groups to support the events and placing the item on the June 10, 2014 Council Agenda for action.
  - c. Approve the District 5 Portuguese Flag Raising Ceremony on 6/10/2014 as a City Council sponsored Special Event and approve the expenditure of funds and accepting donations from various individuals, businesses, or community groups to support the events and placing the item on the June 10, 2014 Council Agenda for action.
  - d. Approve the District 5 Puerto Rican Flag Raising on 6/2/2014 as a City Council sponsored Special Event and approve the expenditure of funds and accepting donations from various individuals, businesses, or community groups to support the events and placing the item on the June 10, 2014 Council Agenda for action.
  - e. Approve the District 5 Filipino Flag Raising on 6/12/2014 as a City Council sponsored Special Event and approve the expenditure of funds and accepting donations from various individuals, businesses, or community groups to support the events and placing the item on the June 10, 2014 Council Agenda for action.
7. [Salary for Council Appointees.](#) (Mayor)  
Agendize the following for the June 3, 2014 City Council meeting:  
Adoption of a resolution to amend the City of San José Pay Plan to provide general salary increases of 3% effective June 22, 2014 for the City Manager, City Clerk, City Auditor, City Attorney, and Independent Police Auditor; and approve a ten-day sunshine waiver.
  8. [State Mental Health Parity Enforcement Budget Act.](#) (City Manager)
    - a. Adopt a position of support for the State Mental Health Parity Enforcement Act.
    - b. Recommend a one-week turnaround to the City Council so that the City's legislative representative can advocate the City's support for the Mental Health Parity Enforcement Act; and approve a ten-day sunshine waiver.
  9. [Permit Streamlining.](#) (Herrera)  
Direct staff to:
    1. Continue to meet with stakeholders that frequently work with the planning department, such as architects and contractors, representatives from the American Institute of

**G. Rules Committee Reviews, Recommendations and Approvals (Cont.)**

Architects (AIA), Building Industry Association (BIA), and the Chamber of Commerce, in order to gather feedback on:

- a. Processes that could be improved and
  - b. The stakeholders business needs;
2. Return with recommendations for the expansion of the 24 hour online permit processing;
  3. Report to the Community and Economic Development Committee a result of a benchmark study of methods in Phoenix, AZ.

**H. Review of additions to Council Committee Agendas/Workplans**

1. Community and Economic Development Committee
2. Neighborhood Services and Education Committee
3. Transportation and Environment Committee
4. Public Safety, Finance and Strategic Support Committee
5. Rules and Open Government Committee

**I. Open Government**

1. Appeals of Public Records Act Request

**J. Open Forum**

*Members of the Public are invited to speak on any item that does not appear on today's Agenda and that is within the subject matter jurisdiction of the Committee.*

**K. Adjournment**

The City San José is committed to open and honest government and strives to consistently meet the community's expectations by providing excellent service, in a positive and timely manner, and in the full view of the public. **The City Code of Ethics may be viewed on-line at [http://www.sanjoseca.gov/clerk/cp\\_manual/CPM\\_0\\_15.pdf](http://www.sanjoseca.gov/clerk/cp_manual/CPM_0_15.pdf)**

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at City Hall, 200 E. Santa Clara Street, Office of the City Clerk 2<sup>nd</sup> Floor Wing, San José, Ca 95113 at the same time that the public records are distributed or made available to the legislative body.

To request an accommodation or alternative format for City-sponsored meetings, events or printed materials, please call the Office of the City Clerk 408-535-1252 or 408-294-9337 (TTY) as soon as possible, but at least three business days before the meeting/event.

**Access the video, the agenda and related reports for this meeting by visiting the City's website at <http://sanjoseca.gov/index.aspx?nid=3581>**

## **CITY OF SAN JOSE CODE OF CONDUCT FOR PUBLIC MEETINGS IN THE COUNCIL CHAMBERS AND COMMITTEE ROOMS**

The Code of Conduct is intended to promote open meetings that welcome debate of public policy issues being discussed by the City Council, Successor Agency to the Redevelopment Agency Board (SARA), their Committees, and City Boards and Commissions in an atmosphere of fairness, courtesy, and respect for differing points of view.

### **1. Public Meeting Decorum:**

- a) Persons in the audience will refrain from behavior which will disrupt the public meeting. This will include making loud noises, clapping, shouting, booing, hissing or engaging in any other activity in a manner that disturbs, disrupts or impedes the orderly conduct of the meeting.
- b) Persons in the audience will refrain from creating, provoking or participating in any type of disturbance involving unwelcome physical contact.
- c) Persons in the audience will refrain from using cellular phones and/or pagers while the meeting is in session.
- d) Appropriate attire, including shoes and shirts are required in the Council Chambers and Committee Rooms at all times.
- e) Persons in the audience will not place their feet on the seats in front of them.
- f) No food, drink (other than bottled water with a cap), or chewing gum will be allowed in the Council Chambers and Committee Rooms, except as otherwise pre-approved by City staff.
- g) All persons entering the Council Chambers and Committee Rooms, including their bags, purses, briefcases and similar belongings, may be subject to search for weapons and other dangerous materials.

### **2. Signs, Objects or Symbolic Material:**

- a) Objects and symbolic materials, such as signs or banners, will be allowed in the Council Chambers and Committee Rooms, with the following restrictions:
  - No objects will be larger than 2 feet by 3 feet.
  - No sticks, posts, poles or other such items will be attached to the signs or other symbolic materials.
  - The items cannot create a building maintenance problem or a fire or safety hazard.

- b) Persons with objects and symbolic materials such as signs must remain seated when displaying them and must not raise the items above shoulder level, obstruct the view or passage of other attendees, or otherwise disturb the business of the meeting.
  - c) Objects that are deemed a threat to persons at the meeting or the facility infrastructure are not allowed. City staff is authorized to remove items and/or individuals from the Council Chambers and Committee Rooms if a threat exists or is perceived to exist. Prohibited items include, but are not limited to: firearms (including replicas and antiques), toy guns, explosive material, and ammunition; knives and other edged weapons; illegal drugs and drug paraphernalia; laser pointers, scissors, razors, scalpels, box cutting knives, and other cutting tools; letter openers, corkscrews, can openers with points, knitting needles, and hooks; hairspray, pepper spray, and aerosol containers; tools; glass containers; and large backpacks and suitcases that contain items unrelated to the meeting.
3. Addressing the Council, Successor Agency to the Redevelopment Agency Board (SARA), Committee, Board or Commission:
- a) Persons wishing to speak on an agenda item or during open forum are requested to complete a speaker card and submit the card to the City Clerk or other administrative staff at the meeting.
  - b) Meeting attendees are usually given two (2) minutes to speak on any agenda item and/or during open forum; the time limit is in the discretion of the Chair of the meeting and may be limited when appropriate. Applicants and appellants in land use matters are usually given more time to speak.
  - c) Speakers should discuss topics related to City business on the agenda.
  - d) Speakers' comments should be addressed to the full body. Requests to engage the Mayor, Council Members, Board Members, Commissioners or Staff in conversation will not be honored. Abusive language is inappropriate.
  - e) Speakers will not bring to the podium any items other than a prepared written statement, writing materials, or objects that have been inspected by security staff.
  - f) If an individual wishes to submit written information, he or she may give it to the City Clerk or other administrative staff at the meeting.
  - g) Speakers and any other members of the public will not approach the dais at any time without prior consent from the Chair of the meeting.

Failure to comply with this Code of Conduct which will disturb, disrupt or impede the orderly conduct of the meeting may result in removal from the meeting and/or possible arrest.